

PCT

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 09 MAR 2004
WIPO PCT

Applicant's or agent's file reference J3671 (C)/RJG	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/06031	International filing date (day/month/year) 06.06.2003	Priority date (day/month/year) 14.06.2002
International Patent Classification (IPC) or both national classification and IPC B05B9/08, B05B9/08		
Applicant UNILEVER PLC et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 19.11.2003	Date of completion of this report 08.03.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Innecken, A Telephone No. +49 89 2399-8911 

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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-14 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-14
	No: Claims	
Inventive step (IS)	Yes: Claims	1-14
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

see separate sheet

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Novelty, inventive step and industrial applicability (Item V)

1. Independent claim 1 meets the requirements of novelty, inventive step and industrial application according to Articles 33(2) to 33(4) PCT.
2. The subject-matter of independent claim 1 is novel as none of the prior art documents cited in the Search Report or acknowledged in the description discloses all of the features of this independent claim.
3. The documents cited in the Search Report do not render any suggestion to a skilled person to construct a hand-held domestic sprayer as disclosed in EP339109 according to the further features of claim 1. The features concerning the arrangement of an electrically powered MEMS pump result from a step being non-obvious in view of the cited prior art documents in which no incentive is given to provide this sort of pumps for a hand-held domestic sprayer. Instead in the available prior art MEMS-pumps have been employed in systems for detecting and/or analysing chemical or biological agents as well as in microfluid handling systems. Thus the hand-held domestic sprayer according to independent claim 1 involves an inventive step.
4. The subject-matter of claim 1 is able to work and can be manufactured. Thus the hand-held domestic sprayer of claim 1 is looked upon as being industrially applicable.
5. Dependent claims 2 to 14 define further advantageous and non-obvious variations of the hand-held domestic sprayer according to claim 1 and thus equally meet the requirements of novelty, inventive step and industrial application according to Articles 33(2) to 33(4) PCT.

Certain defects in the international application

6. Reference numerals are missing after the technical features of the claims (see Rule 6.2b) and PCT Preliminary Examination Guidelines, Chapter III, 4.11).

Certain observations on the international application

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7. The description (see page 3, lines 21 to 23) mentions a second aspect of the invention which does not appear in the claims.